

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ian Revie et al                      Conf. No.: 7465  
 Appln. No.: 10/598,593                      Art Unit: not yet assigned  
 Filed : September 5, 2006                      Examiner: not yet assigned  
 For : IMPLANTABLE MARKER, INSTRUMENTS AND METHODS

I hereby certify that this correspondence is being transmitted via  
 The Office electronic filing system in accordance with 37 CFR 1.6(a)(4) on November 15, 2007.

Brian S. Tomko

(Name of applicant, assignee, or Registered Representative)

/Brian S. Tomko/

(Signature)  
 November 15, 2007

(Date of Signature)

MAIL STOP MISSING PARTS  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

SUBMISSION OF COMBINED DECLARATION AND POWER OF ATTORNEY

Dear Sir:

In response to the Decision dated October 15, 2007, and the Notice to File Missing Parts mailed April 11, 2007, the time for response having been extended by petition, and pursuant to Rule 53(f) and Rule 54, please find enclosed a Combined Declaration and Power of Attorney for the application of Ian Revie, Alan Ashby, Yaacov Nitzan, Paul Gibbons, Ben Stungo, Robert Butcher, Tom Patterson, Jury Baldewein and James Brooks entitled Implantable Marker, Instruments and Methods, Attorney Docket No. DEP5300USPCT, to complete, pursuant to Rule 51, this application filed on September 5, 2006.

Inventor Revie has resigned and dated his declaration. Inventor Nitzan has resigned his declaration and amended his address. As to the Nitzan declaration, Applicants submit that such a change does not amend, alter or change "the wording of an oath or declaration" as the change does not alter the substance of the declaration. Rather, it is a commonly made change to declarations that is made at the time of execution. In fact, Mr. Nitzan made the change just before signing his declaration on November 15, 2007, after which time he pdfed the declaration containing his original signature and emailed that signed declaration to the undersigned on this same date. Applicants submit that the declaration is proper and ask that the Attorney Advisor contact the undersigned in the event that any issue remains.

The Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment to our Deposit Account.

Respectfully submitted,

/Brian S. Tomko/

Brian S. Tomko  
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Dated: November 15, 2007